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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 801—GENERAL SUGAR REGULATIONS

ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES

Basis and purpose. This determination is issued pursuant to the regulations in this part and deals with the entry of sugar into the continental United States. Section 801.52 of General Sugar Regulations, Series 3, No. 2, as amended, states that certification to the Collectors of Customs by the Secretary that the sugar or liquid sugar to be imported is within the applicable quota or allotment established by the Secretary for the area in which such sugar was produced, except as otherwise specified therein, shall not be required as to any quota or portion thereof until the Director of the Sugar Branch determines that such quota or portion thereof is filled to the extent that certification is required to maintain effective quota control. That section also provides that upon publication of such determination in the FEDERAL REGISTER certification by the Secretary shall be required for the remainder of the applicable calendar year.

The 1948 sugar quota for Cuba is 2,895,962 short tons of sugar, raw value. As of October 22, 1948, approximately 2,530,924 short tons, raw value, of sugar for further processing and direct-consumption purposes have been brought into the continental United States from Cuba. Thus, only approximately 365,038 short tons, raw value, or 12.6 percent, of Cuba's total quota remain to be imported during the remainder of the calendar year 1948. In order to assure an orderly and adequate flow of sugar, prevent disorderly marketing, and maintain an effective quota system, it is necessary that the certification prescribed by these regulations be required for raw sugar for further processing hereafter imported from Cuba.

Current stocks of sugar in Cuba are considerably in excess of the quantity required to fill the balance of their 1948 quota for the continental United States. Since only 12.6 percent of Cuba's 1948 quota remains unfilled, it is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and consequently this determination shall become effective when published in the FEDERAL REGISTER in accordance with § 801.52.

Pursuant to the authority contained in § 801.52 of General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590), it is hereby determined that the 1948 sugar quota for Cuba, amounting to 2,895,962 short tons of sugar, raw value, has been filled to the extent that certification is required to maintain effective quota control. Accordingly, for the remainder of the calendar year 1948, Collectors of Customs shall not permit the entry into the continental United States from Cuba of any raw sugar for further processing, unless and until the certification described in § 801.52 (a) of such General Sugar Regulations is issued.

(Pub. Law 388, 80th Cong.)

Issued this 8th day of November 1948.

[SEAL] LAWRENCE MEYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48-9957; Filed, Nov. 12, 1948; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 76]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.407 *Tangerine Regulation 76*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available informa-

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

tion, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., November 15, 1948, and ending at 12:01 a. m., e. s. t., November 22, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches)

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9985; Filed, Nov. 12, 1948; 8:56 a. m.]

[Lemon Reg. 300]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.407 *Lemon Regulation 300*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq., 13 F. R. 766) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat., 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 14, 1948 and ending at 12:01 a. m., P. s. t., November 21, 1948 is hereby fixed as follows:

(i) District 1. 245 carloads;

(ii) District 2: 5 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 299 (13 F. R. 6551) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9983; Filed, Nov. 12, 1948; 8:57 a. m.]

[Grapefruit Reg. 59]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.320 *Grapefruit Regulation 59*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 14, 1948, and ending at 12:01 a. m., P. s. t., December 19, 1948, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit are well colored and grade at least U. S. No. 2 grade (as such grades are defined in the revised United States Stand-

ards for Grapefruit (California and Arizona), 12 F. R. 1975) or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit) except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona) *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order and the term "well colored" shall have the same meaning as is given to such term in the aforesaid revised United States Standards for Grapefruit (California and Arizona) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 955.1)

Done at Washington, D. C., this 9th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9973; Filed, Nov. 12, 1948; 8:58 a. m.]

[Orange Reg. 254]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.400 *Orange Regulation 254*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 14, 1948 and ending at 12:01 a. m., P s. t., November 21, 1948 is hereby fixed as follows:

(i) *Valencia organges.* (a) Prorate District No. 1. no movement;

(b) Prorate District No. 2: unlimited movement;

(c) Prorate District No. 3: no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1. 200 carloads;

(b) Prorate District No. 2: no movement;

(c) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2" and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Nov. 14, 1948, to 12:01 a. m., Nov. 21, 1948]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.7631
A. F. G. Porterville	2.3945
A. F. G. Sides	6184
Ivanhoe Cooperative Association	.6547
Doffiemeyer & Son, W. Todd	6191
Earlibest Orange Association	1.3361
Elderwood Citrus Association	.8037
Exeter Citrus Association	2.5773
Exeter Orange Growers Association	1.3245
Exeter Orchards Association	1.3964
Hillside Packing Association	1.9504
Ivanhoe Mutual Orange Association	1.1063
Klink Citrus Association	4.5518
Lemon Cove Association	1.9399
Lindsay Citrus Growers Association	2.2131
Lindsay Coop. Citrus Association	1.5360

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Lindsay District Orange Co	1.3678
Lindsay Fruit Association	1.9669
Lindsay Orange Growers Association	.8308
Naranjo Packing House Co	1.0107
Orange Cove Orange Growers	2.0133
Orange Packing Company	1.1165
Orosi Foothill Citrus Association	1.4099
Paloma Citrus Fruit	1.0803
Rocky Hill Citrus Association	1.4836
Sanger Citrus Association	3.4598
Sequoia Citrus Association	1.1638
Stark Packing Corp	2.1395
Visalia Citrus Asociation	1.6409
Waddell & Sons	1.5715
Butte County Citrus Association, Inc	1.1108
James Mills Orchards Co	.3965
Orland Orange Growers	.9205
Andrews Brothers of Calif	.5571
Baird-Neece Corp	1.9387
Beattie Association, Agnes M	7451
Grandview Heights Citrus Association	2.5680
Magnolia Citrus Association	2.4705
Porterville Citrus Association, The	1.4282
Richgrove-Jasmine Citrus Association	1.5055
Sandilands Fruit Co	1.5154
Strathmore Cooperative Association	1.5440
Strathmore District Orange Association	1.4392
Strathmore Fruit Growers Association	1.1581
Strathmore Packing House Co	1.6395
Sunflower Packing Association, Inc	2.5401
Sunland Packing House Co	2.9221
Terra Bella Citrus Association	1.2564
Tule River Citrus Association	1.3500
Kroells Brothers, Ltd	1.3660
Lindsay Mutual Groves	1.6761
Martin Ranch	1.5511
Woodlake Packing House	2.3035
Anderson Packing Co., R. M	.8235
Baker Bros	1363
California Citrus Groves, Inc., Ltd	2.3438
Chess Co., Meyer W	.3216
Edison Groves, Inc	1.1611
Exeter Groves Packing Co	7112
Furr, N. C	.4200
Harding & Leggett	1.5779
Justman Frankenthal Co	.0195
Marks, W. M	.3374
Panno Fruit Co., Carlo	.3811
Randolph Marketing Co	2.3860
Reimers, Don H	.3892
Rooke Packing Co., B. G	1.4543
Wollenman Packing Co	1.3464
Woodlake Heights Packing Corp	.6545
Zaninovich Bros	.5772

[F. R. Doc. 48-9984; Filed, Nov. 12, 1948; 8:57 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 320—OFFICE OF BUSINESS ECONOMICS; GENERAL ORGANIZATION AND FUNCTIONS

PART 321—OFFICE OF BUSINESS ECONOMICS; FUNCTIONS OF DIVISIONS

PART 322—OFFICE OF BUSINESS ECONOMICS; SERVICES AVAILABLE

CODIFICATION DISCONTINUED

In order to conform Chapter III of Title 15 to the scope and style of the

Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the codification of Parts 320, 321 and 322 is hereby discontinued. Future amendments to the statements of organization contained in these parts will be published in the Notices section of the FEDERAL REGISTER.

[SEAL] M. JOSEPH MEEHAN,
Acting Director
Office of Business Economics.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9919; Filed, Nov. 12, 1948; 8:53 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 16]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

Part 373 "Licensing Policies and Related Special Provisions," is amended in the following particulars:

1. Section 373.2, *Export licensing general policy,* is amended as follows:

The list of processing code symbols in subparagraph (1) of paragraph (h) *Commodities subject to this export licensing policy* is amended by adding thereto the following: "BLDG"

This part of the amendment shall become effective as of the beginning of the fourth calendar quarter of 1948.

The list of commodities in subparagraph (2) of paragraph (h) is amended by adding thereto the following:

Commodity	Schedule B No.
Other nonmetallic minerals (precious included)	
Diamond grinding wheels	540905
Diamond dust, or powder	540910
Resinoid diamond abrasive wheels	541200
Diamonds suitable only for industrial use	599005
Diamond bearings	599098
Diamonds, rough or uncut, other than industrial	599098
Iron and steel manufactures:	
Diamond saws, except circular	615605
Tools incorporating industrial diamond, n. e. s.	617891
Mining, well, and pumping machinery:	
Rock drills (when containing diamonds)	731100
Diamond drill bits and other mining and quarrying machinery, and parts containing diamonds	733900
Metalworking machinery:	
Diamond dies for power-driven metalworking machinery	745503
Metal alloy slugs containing diamonds	748512
Other industrial machinery:	
Diamond penetrators	774020
Diamond penetrator parts	775098
Scientific and professional instruments, apparatus and supplies:	
Diamond disk points and other dental instruments containing diamonds	915000

This part of the amendment shall become effective as of September 29, 1948.

2. Section 373.3, *Special provisions for iron and steel products,* is amended as follows:

Paragraph (g) *Validity period* is amended by adding to the end of the last sentence the following: "' cast-iron pressure pipe, Schedule B No. 606705; and cast-iron pressure pipe fittings, Schedule B No. 606798."

This part of the amendment shall become effective as of September 7, 1948.

A new paragraph (i) is added to read as follows:

(i) *Licensing against fourth calendar quarter, 1948, quotas.* The foregoing provisions of this section (relating to the third calendar quarter, 1948, quotas) shall also apply to licensing of iron and steel products against the fourth calendar quarter, 1948, quotas, except that the submission time schedule for such commodities shall be as follows:

Submission time schedule for iron and steel products[1]

	At any time	Sept. 10 to Sept. 20	Sept. 25 to Oct. 5	Oct. 10 to Oct. 20	Oct. 25 to Nov. 5
600700	x				
601020, 601050, 601010, 601070, 601090	x				
601605, 601606, 601699, 601705, 601706		x			
602000		x			
602100, 602200 (all sizes)			x		
602200				x	
602500		x			
602900			x		
603000, 603110		x			
603190		x			
603200			x		
603300-603400			x		
603510, 603600				x	
603699				x	
603711, 603718, 603811, 603818					x
604300		x			
604500					x
604600				x	
604700			x		
605000		x			
605100, 605200, 605300			x		
605400				x	
605000, 606100		x			
606200, 606300				x	
606400					x
606500-607738					x
606705-606798		x			
607000					x
607100-607300		x			
607200			x		
607705				x	
608100		x			
608200		x			
608300			x		
608900		x			
608710			x		
609900	x				
609101	x				
609103				x	
609200-609500				x	
610515, 610525, 610535					x
610700		x			
610800		x			
Reject steel	x				
Surplus steel	x				

[1] The five items for which applications may be filed at any time during a calendar quarter fall in three categories, as follows: (1) Closed quota items (pig, scrap, and bale ties) for which the OIT has no export quota. Approvals are dependent upon the action of the Review Committee, to which only exceptional cases are referred; (2) surplus steel, on which there is an overall quantitative quota of 20,000 tons; and (3) reject steel, on which there is an open quota. The provisions of § 373.4, with respect to reject and surplus steel, remain in full effect.

This part of the amendment shall become effective as of August 18, 1948, except that as to Schedule B No. 609900 it shall become effective September 22, 1948.

3. A new § 373.10 is added to read as follows:

§ 373.10 *Special provisions for rice exportations to Cuba.* Rice will be licensed for export to Cuba against allocations for the period July to December, 1948, in accordance with the following provisions:

(a) Each applicant may apply for and receive a license, or licenses, in an amount equal to 10% (rounded to the nearest 1,000 cwt.) of the shipments of rice he made to Cuba during the period July 1, 1947–June 30, 1948, or 1,000 cwt., whichever is greater (but in no case will such licenses be issued for an amount in excess of 40,000 cwt.), *Provided:*

(1) The applicant submits a detailed signed statement of his shipments of rice to Cuba during the period July 1, 1947, to June 30, 1948, including the date of each shipment. Such statement need be submitted only once.

(2) Each license application is accompanied by a copy of an irrevocable letter of credit or a copy of a domestic bank's advice of an irrevocable letter of credit opened for the account of the purchaser or ultimate consignee. Such copy must be officially signed by the issuing or advising bank. A photostatic copy of the original irrevocable letter of credit or original advice of irrevocable letter of credit will be accepted in lieu of the official signed copy. In each case, the applicant must certify the amount of the unused balance of the letter of credit remaining after deducting the amount involved in transactions for which licenses have been issued.

(b) *Additional licenses.* (1) An applicant who has received a license, or licenses, authorizing shipment of 10,000 cwt., or more of rice to Cuba under the provisions set forth in paragraph (a) of this section, may apply for and receive additional licenses upon submission of certified copies of on board ocean bills of lading, bearing the export license number (or numbers) showing that he actually has shipped against the license (or licenses) previously granted under this procedure in an amount equivalent to that for which he is applying.

(2) An applicant who has received a license or licenses authorizing shipment of less than 10,000 cwt., of rice to Cuba under the provisions set forth in paragraph (a) of this section, may apply for an amount up to twice the amount he has shipped, as shown on the certified copies of on board ocean bills of lading to accompany such application, provided such amount does not exceed 10,000 cwt. When an applicant qualifies to receive a license, or licenses, covering an amount up to 10,000 cwt., subsequent license applications shall be submitted in accordance with subparagraph (1) of this paragraph.

(c) *Consideration of applications.* License applications will be considered for validation during August, September, and October, 1948, in the order they are received until 1,600,000 cwt. have been licensed, after which time applications will be held for consideration during November and December, 1948, in the order they were received. License applications accompanied by letters of credit which, by their terms, expire before shipment can be effected, will be returned without action to the applicant.

(d) *Validity period.* Licenses will be validated for a period of 60 days.

This part of the amendment shall become effective as of August 18, 1948.

4. A new § 373.11 is added to read as follows:

§ 373.11 *Special provisions for lumber Processing Code LUMB.* Applications for licenses to export commodities included on the Positive List with the processing code symbol LUMB must be accompanied by evidence of accepted orders.

This part of the amendment shall become effective as of September 9, 1948.

5. A new § 373.12 is added to read as follows:

§ 373.12 *Special provisions for building materials.* All building materials included on the Positive List with the processing code symbol BLDG will be licensed for export against fourth calendar quarter, 1948, quotas and subsequent calendar quarter quotas in accordance with the following provisions:

(a) License applications will be approved on the basis of accepted order, end-use for which the exportation is intended, export price and country of destination involved, in accordance with the licensing policy set forth in § 373.2.

(b) *Time for submission of applications.* Applications must be submitted during the last ten (10) days of the month preceding the beginning of a new calendar quarter and not later than the first day of the new calendar quarter. Applications against fourth calendar quarter, 1948, quotas received on or after October 1, 1948, or which do not comply with the requirements of this section will not be considered but will be returned without action for resubmission not earlier than the 20th day of the month preceding the beginning of the next calendar quarter.

This part of the amendment shall bebecome effective as of September 9, 1948.

6. A new section 373.13 is added to read as follows:

§ 373.13 *Special provisions for diamonds.* Loose diamonds (except cut gem diamonds) and tools and devices incorporating diamonds will be licensed for export in accordance with the following provisions:

(a) *Definitions.* The commodities covered by this section are more particularly described and defined as follows:

(1) "Loose diamonds (except cut gem diamonds)" are any diamonds not set in any other material.

(i) "Industrial diamonds" are industrial-purpose diamonds in any form, unmounted, including ballas, carbonados, crushing bort, other uncrushed diamonds and diamond fragments, and diamond dust or powder.

(ii) "Cuttable diamonds" are diamonds suitable for cutting into gems and not reserved for industrial use.

(2) "Tools incorporating diamonds" are any tools or industrial devices, including metal slugs, which contain diamonds.

(b) *Basis of licensing.* License applications will be approved in accordance with the general licensing policy set forth in § 373.2.

(c) *Application requirements.* (1) Separate license applications (Form IT-419) must be submitted for each schedule B classification of loose diamonds and tools and devices incorporating diamonds and must contain a complete description of each named commodity or commodities, including any customary trade subclassifications.

(2) Loose diamonds, industrial and cuttable must be listed on the application by one of the following methods:

(i) Separately, giving trade description and the respective carat weight and value of each diamond listed.

(ii) In groups by packets, giving the number of diamonds, the total carat weight, total value, and average value per carat for each group.

(iii) By quantity (as in the case of small sizes, sand, powder, etc.) giving total carat weight, total value, and average value per carat.

(3) Tools incorporating industrial diamonds: (i) Tools, tool parts or devices (including metal slugs) must be listed separately on the application, or by groups of identical tools, giving the name and type of tool and the approximate carat weight of diamonds and/or diamond powder or dust contained therein.

(ii) Diamond dies must be listed as unmounted or encased and the size of hole, carat weight and the unit value per die must be given.

(4) The application must also include a detailed statement regarding the end use of the commodity.

(d) *Export clearance.* Every shipment of loose diamonds in any form (except cut gem diamonds) not including tools incorporating diamonds, irrespective of the means of exportation must be inspected by the nearest Collector of Customs. The Collector of Customs will compare the contents of the shipment with the description on the export license. If the contents and description on the license agree, the shipment will be sealed and shipped under Customs supervision. If the contents of the shipment do not agree with the description set forth on the export license, the Collector of Customs will refuse clearance of shipment for export and will return the export license to the Office of International Trade with a statement of his findings.

This part of the amendment shall become effective as of September 29, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F R. 12245; E. O. 9919, Jan. 3, 1948, 13 F R. 59)

Dated: November 5, 1948.

FRANCIS MCINTYRE,
Assistant Director
Office of International Trade.

[F. R. Doc. 48-9931; Filed, Nov. 12, 1948; 9:13 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 10]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

APPENDIX A

Section 399.1 *Appendix A—Positive List of Commodities* is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Electrical machinery and apparatus:
704000	Motors, ¼ horsepower and over but not exceeding ⅓ horsepower.
	Medicinal and pharmaceutical preparations:
812300	Insulin.
	Chemical specialties:
	Synthetic gums and resins:
	In powder, flake or liquid form (scrap included)
	Tar acid resins:
825500	Phenol-formaldehyde resins.
825500	Rosin-modified phenolic resins.
	Sheets, plates, rods, tubes, and other unfinished forms:
	Laminated:
826000	Phenol-formaldehyde resins.
	Not laminated:
826100	Phenol-formaldehyde resins.
	Industrial chemicals:
831500	Lauryl alcohol.
837300	Sodium hydroxide or caustic soda, liquid form only.
839900	Chromium salts and compounds (except chemical pigments).

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective November 9, 1948.

Dated: October 29, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-9932; Filed, Nov. 12, 1948; 9:13 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SOLICITATION OF PROXIES

On July 6, 1948, the Securities and Exchange Commission issued proposals with respect to certain amendments to § 240.14 (Regulation X-14) under the Securities Exchange Act of 1934 which proposals were published in the FEDERAL REGISTER on July 14, 1948. The Commission has now duly considered all comments and suggestions received in connection with the proposed amendments and is taking action in regard thereto as hereinafter set forth. The Commission finds that the action hereinafter specified is necessary or appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act. Such action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof.

I. Section 240.14a-1 (Rule X-14A-1) is amended by adding thereto the fol-

lowing definition of the term "last fiscal year." The purpose of this amendment is to make it clear that where the term is used in § 240.14 (Regulation X–14) it refers to the latest fiscal year of the issuer prior to the date of the meeting.

§ 240.14a–1 *Definitions.* * * *

(f) *Last fiscal year.* The term "last fiscal year" of the issuer means the last fiscal year of the issuer ending prior to the date of the meeting for which proxies are to be solicited.

II. Section 240.14a–4 (Rule X-14A–4) which governs the form of proxies is amended to read as hereinbelow set forth. It has been found that proxies have been misleading in certain cases in that they did not indicate clearly whether or not the solicitation was made on behalf of the management or on behalf of other persons. In order to remedy this situation, the rule is amended to require that there be set forth in bold face type on the form of proxy an indication as to whether or not it is solicited on behalf of the management.

In certain cases § 240.14a–8 (Rule X-14A–8) as hereinbelow amended, will permit the omission of a stockholder's proposal in certain instances. Section 240.14a–4 (Rule X-14A–4) is amended to provide that proposals so omitted need not be referred to in the form of proxy and that the proxy may confer discretionary authority with respect to such proposals.

In order to prevent the premature solicitation of proxies at a time when material information has not yet become available, the amended rule provides that no proxy shall confer authority to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) which is to be held after the date on which the solicitation is made.

The Commission has heretofore taken the position that the solicitation of proxies constitutes an implied representation by the persons making the solicitation that the shares represented by the proxy will be voted. In order to make this representation more explicit, the amended rule requires that the proxy statement shall provide that the shares represented by the proxy will be voted, subject to reasonable specified conditions.

This rule has also been amended and clarified in other minor respects.

The text of the amended rule is as follows:

§ 240.14a–4 *Requirements as to form of proxy.*[1] (a) The form of proxy (1) shall indicate in bold face type whether or not the proxy is solicited on behalf of the management and (2) shall identify clearly and impartially each matter or group of related matters intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals omitted pursuant to paragraph (c) of § 240.14a–8.

(b) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified provided the form of proxy states in bold face type how it is intended to vote the shares represented by the proxy in each such case.

(c) A proxy may confer discretionary authority with respect to other matters which may come before the meeting, provided the persons on whose behalf the solicitation is made are not aware at the time the solicitation is made that any such other matters are to be presented for action at the meeting and provided further that a specific statement to that effect is made in the proxy statement or in the form of proxy. A proxy may also confer discretionary authority with respect to any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (c) of § 240.14a–8.

(d) No proxy shall confer authority (1) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (2) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders.

(e) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to paragraph (b) of this section a choice with respect to any matter to be acted upon, the shares will be voted in accordance with the specifications so made.

III. Section 240.14a–8 (Rule X-14A–8) is amended by deleting paragraph (c) thereof and by inserting in lieu of such paragraph two new paragraphs (c) and (d) reading as hereinbelow set forth.

This rule requires the management to include in its proxy material proposals seasonably submitted by security holders which are proper subjects for action by security holders. The Commission has found that in a few cases security holders have abused this privilege by using the rule to achieve personal ends which are not necessarily in the common interest of the issuer's security holders generally. In order to prevent such abuse of the rule, but without unduly restricting the privilege which it grants to security holders, the amendment places reasonable limitations upon the submission of such proposals.

The text of the two new paragraphs is as follows:

§ 240.14a–8 *Proposals of security holders.* * * *

(c) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under the following circumstances:

(1) If it clearly appears that the proposal is submitted by the security holder primarily for the purpose of enforcing a personal claim or of redressing a personal grievance against the issuer or its management, or

(2) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the last two annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings and such security holder has failed without good cause to attend the meeting in person or by proxy or to present the proposal for action at the meeting, or

(3) If substantially the same proposal was submitted to the security holders for action at the last annual meeting of security holders or at any special meeting held subsequent thereto and received less than three percent of the total number of votes cast in regard to the proposal.

(d) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than the date preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a–6 (a) (Rule X-14A–6 (a)) a copy of the proposal and any statement in support thereof, as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall advise the security holder as to the reasons for such omission. Compliance with this paragraph shall not be construed as relieving the management of its obligation to comply fully with the foregoing provisions of this section.

IV. Item 3 (b) of Schedule 14A *Information Required in Proxy Statement* has heretofore required that if the solicitation is made otherwise than on behalf of the management, the names of the persons on whose behalf it is made shall be stated. In order to make it clear in such cases that the solicitation is not made on behalf of the management, Item 3 (b) is amended to require a specific statement to that effect.

The text of the amended item is as follows:

Item 3. Persons making the solicitation. * * *

(b) If the solicitation is made otherwise than on behalf of the management, so state and give the names of the persons on whose behalf it is made.

V. Item 7 calls for information as to the remuneration of and other transactions with directors, nominees, officers and certain other persons. Paragraphs (a) and (b) of the item have been revised for the general purpose of making the language of the items more specific in certain respects. The amended paragraph (a) calls for the same breakdown of the various types of remuneration paid to individual directors, nominees

[1] See 17 CFR 241.4185 *infra* for interpretative statement accompanying the November 5, 1948 revision of this rule.

and officers as has heretofore been required with respect to directors and officers as a group.

Paragraph (d) is amended to call for information as to the indebtedness of associates of directors, officers and nominees of the issuer as well as for the indebtedness of such directors, officers and nominees themselves.

The text of paragraphs (a) (b) and (d) as amended is as follows:

Item 7 Remuneration and other transactions with directors, nominees, officers and others. * * *

(a) Furnish the following information, in substantially the tabular form indicated, as to the aggregate remuneration directly or indirectly paid or set aside by the issuer and its subsidiaries to, or for the benefit of, the following persons for services in all capacities while acting as directors or officers of the issuer during its last fiscal year.

(1) Each person who was a director of the issuer at any time during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement and similar payments, exceeded $25,000.

(2) Each person who was one of the three highest-paid officers of the issuer during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement and similar payments, exceeded $25,000.

(3) All persons, as a group, who were directors or officers of the issuer at any time during such fiscal year.

(1) Name of individual or identity of group	(2) Capacities in which remuneration was received	(3) Fees, salaries, and commissions	(4) Bonuses and shares in profits	(5) Pension, retirement and similar payments

Instructions. 1. Include in column (5) any amounts paid, set aside or accrued pursuant to any pension, retirement, savings or other similar plan, including premiums paid for life insurance or retirement annuities.

2. The issuer may state, with respect to any person specified, the total remuneration paid to a partnership in which such person was a partner in lieu of an allocation of such person's share in the total remuneration so paid, if by note or otherwise, it is indicated that such has been done. The total amount of such remuneration shall be included in determining whether the aggregate remuneration of such person exceeded $25,000.

3. If the total remuneration shown in columns (3) and (4) for any individual director or officer, or for the directors and officers as a group, exceeds by more than ten percent the corresponding amounts of remuneration of such director, officer or group for the preceding fiscal year, state the amount of the excess of the remuneration shown over the corresponding amount for the preceding fiscal year.

(b) State the annual benefits estimated to be payable in the event of retirement at normal retirement date to each person named in answer to paragraph (a) pursuant to any pension or retirement plan.

Instruction. Except as to persons whose retirement benefits have already vested, the information called for by this paragraph may be given in a table showing the annual benefits payable to persons in specified salary classifications.

(d) State as to each of the following persons who were indebted to the issuer or its subsidiaries at any time since the beginning of the last fiscal year of the issuer, (1) the largest aggregate amount of indebtedness outstanding at any time during such period, (2) the nature of the indebtedness, (3) the amount thereof outstanding as of the latest practicable date, and (4) the rate of interest paid or charged thereon: (i) each person who has been a director or officer of the issuer at any time during such period, (ii) each nominee for election as a director, and (iii) each associate of any such director, officer or nominee.

Instruction. Paragraph (d) does not apply to indebtedness arising from transactions in the ordinary course of business, or to any person whose aggregate indebtedness did not exceed $1,000 at any time during the period specified.

VI. Paragraph (f) of Item 7 of Schedule 14A calls for information as to the aggregate remuneration from the issuer and its subsidiaries of certain persons whose remuneration for services during the last fiscal year exceeded $20,000. In view of the fact that paragraph (a) of the amended item only calls for information of persons whose aggregate remuneration exceeded $25,000 during the last fiscal year of the issuer, the Commission has determined that the amount specified in paragraph (f) should also be correspondingly raised. Accordingly, paragraph (f) is amended by substituting the figure "$25,000" in lieu of the figure "$20,000" heretofore contained therein.

VII. Item 12 of Schedule 14A calls for certain information where action is to be taken with respect to the authorization of issuance of securities otherwise than in exchange for outstanding securities of the issuer. The item is amended to make it clear that it applies to the authorization of securities even though such securities are not to be issued immediately. The amended item also provides that a description of the securities to be authorized or issued need not be given in cases involving only additional shares of common stock of a class already outstanding, although in such cases a statement as to any pre-emptive rights is required.

The text of Item 12 as amended reads as follows:

Item 12. Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a desription o fthe securities such as would be required to be furnished in an application on the appropriate form for their registration on a national securities exchange. If the securities are additional shares of common stock of a class outstanding, the description may be omitted except for a statement of the pre-emptive rights, if any.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance, the general effect thereof upon the rights of existing security holders, and the vote needed for approval.

In view of the fact that certain persons may wish to comply with § 240.14 (Regulation X-14) as hereinabove amended, rather than with § 240.14 (Regulation X-14) as heretofore in existence, the foregoing action shall be effective November 5, 1948. However, any solicitation commenced prior to December 15, 1948, may at the option of the persons on whose behalf it is made be governed by § 240.14 (Regulation X-14) as heretofore in effect.

(Secs. 14 (a) 23 (a), 48 Stat. 895, 901, 15 U. S. C. 78n, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9924; Filed, Nov. 12, 1948; 8:52 a. m.]

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

REQUIREMENTS AS TO FORM OF PROXY

§ 241.4185 *Statement of the Commission accompanying November 5, 1948, revision of § 240.14 of this chapter (Regulation X-14)* The draft of § 240.14a-4 of this chapter (Rule X-14A-4) which was published in the FEDERAL REGISTER on July 14, 1948 and circulated for public comment contained a provision that the form of proxy should contain no recommendation with respect to any matter to be acted upon. Upon further consideration of the matter, after reviewing the comments received, the Commission believes that this proposed change in the text of the existing section would introduce ambiguities that would create administrative difficulties in construction and application of the section. For that reason this provision has been omitted from the amended section. The failure to adopt the change in text is not to be regarded, however, as permitting the use of the proxy form to electioneer for or against propositions to be voted upon by the stockholders. In administering the section in the future no objection will be raised to the inclusion in the form of proxy of a simple statement of the fact that the management favors or opposes any matter to be acted upon pursuant to the proxy. However, in view of the

requirement of the section that matters to be acted upon are to be set forth clearly and impartially, the Commission will regard as contrary to the section any statement or device which advocates any proposal, obscures the presentation of any proposal, misleads or confuses the security holder, bring pressure to bear upon him in the exercise of his right of choice or makes it mechanically more difficult for him to vote one way rather than another. Among the devices which the Commission will regard as contrary to the section are arguments or recommendations as to the merits of proposals, emphasis upon the management's position beyond the mere statement of the fact that the management favors or opposes a proposal, the use of arrows or any other visual device designed to direct the stockholders attention to the place on the proxy for voting one way and away from the place for voting the contrary, and the switching of boxes in order to procure the result desired by the management. [Securities Exchange Act Release No. 4185, Nov. 5, 1948]

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 5, 1948.

[F. R. Doc. 48-9925; Filed, Nov. 12, 1948; 9:13 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-108; Order 143]

PART 11—ANNUAL CHARGES

PART 131—FORMS

PAYMENT AND EXEMPTION FROM PAYMENT OF ANNUAL CHARGES FOR LICENSEES

OCTOBER 26, 1948.

In this proceeding the Commission has under consideration amendments to Part 11 of Subchapter B, "Annual Charges" §§ 11.20, 11.24, and 11.27, and to Part 131 of Subchapter D, "Forms" § 131.70 (Chapter I, Title 18, Code of Federal Regulations, as amended) pursuant to authority vested in the Commission of the Federal Power Act, particularly sections 10 (e) and 309 thereof (49 Stat. 843, 858; 16 U. S. C. 803 (e) 825 (h) The proposed amendments involve principally changes in the time for filing annual statement of gross amount of power generated by licensees, makes the period of annual charge coincide with the period of power generation, and provides for additional information to be submitted by State and municipal licensees for computing the exemption to which any such licensee may be entitled under the exemption provisions of section 10 (e) of the act.

General public notice of the proposed amendment of the existing regulations, which were adopted and promulgated by the Commission's Order No. 50, effective June 1, 1938 (Chapter I, Title 18, Code of Federal Regulations) governing the payment of annual charges and exemption from payment of annual charges for licensees, has been given by publication of notice in the FEDERAL REGISTER on June 10, 1948 (13 F. R. 3134-3135) and by mailing notices to all licensees and to State and Federal regulatory agencies.

In response to the general public notice of June 10, 1948 a number of comments were filed by licensees. In general the responses indicate approval of the proposed amendments to § 11.20 since by its terms the amendments will be controlling only where licenses do not specifically provide otherwise. The proposed amendments do not disturb the amount of annual charges which any licensee is now required to pay, except that State and municipal licensees will not be billed for power used by them for State or municipal purposes provided they submit the information required by § 11.20 (b) (2).

Comments and suggestions were filed by some municipal licensees to the proposed amendments to §§ 11.24 and 131.70. Such comments and suggestions are in reality directed to the provisions of Section 10 (e) of the act and would apply as well to our existing rules and regulations. We have considered such comments and suggestions and conclude that they are inconsistent with our interpretation of the act as approved by the courts.

There have been no comments or objections to the proposed amendment to § 11.27 which grants an additional 15 days within which licensees located outside the continental limits of the United States are required to pay annual charges without the penalty provided by section 17 (b) of the act.

Upon consideration of the proposed amendments, comments and suggestions, adoption and promulgation of the proposed amendments with an effective date of January 1, 1949, appear desirable and appropriate.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 10 (e) and 309 thereof, and finding such action appropriate for carrying out the provisions of said act, orders that:

Section 11.20 entitled "Cost of administration" § 11.24 entitled "Exemption of States and municipalities", and § 11.27 entitled "Payment of charges" of Part 11, "Annual Charges" Subchapter B, Regulations under the Federal Power Act, and § 131.70 entitled "Form of application by municipalities for exemption from payment of annual charges" of Part 131, "Forms," Subchapter D, Approved Forms, Federal Power Act, are hereby amended to read as follows:

§ 11.20 *Costs of administration.* Reasonable annual charges will be assessed by the Commission against individual licensees for reimbursing the United States for the costs of administration of Part 1 of the Federal Power Act as follows unless otherwise specifically provided in the license:

(a) For projects of more than 100 horsepower of installed capacity:

(1) A charge of one cent per horsepower of the horsepower capacity authorized to be installed by the license; and

(2) A charge of two and one-half cents per thousand kilowatt-hours of power generated by each project during the calendar year for which the charge is made.

(b) (1) To enable the Commission to determine such charges annually each licensee (other than State or municipal) shall file with the Commission, on or before February 1 of each year, a statement under oath showing the gross amount of power generated (or produced by non-electrical equipment) by the project during the preceding calendar year, expressed in kilowatt-hours.

(2) To enable the Commission to determine such charges annually and to compute on the bill for annual charges the exemption to which a State or municipal licensee is entitled because of the use of power by the licensee for State or municipal purposes, each State or municipal licensee shall file with the Commission, on or before February 1 of each year, a statement under oath showing the following information with respect to the power generated by the project and the disposition thereof during the preceding calendar year, expressed in kilowatt-hours:

(i) Gross amount of power generated by the project.

(ii) Amount of power used for station purposes and lost in transmission, etc.

(iii) Net amount of power available for sale or use by licensee, classified as follows:

(*a*) Used by licensee,

(*b*) Sold by licensee.

(3) When the power from a licensed project owned by a State or municipality enters into its electric system, making it impracticable to meet the requirements of subparagraph (2) of this paragraph with respect to the disposition of project power, such licensee may, in lieu thereof, furnish similar information with respect to the disposition of the available power of the entire electric system of the licensee.

(c) For projects of 100 horsepower or less of installed capacity the charge shall be $5 per annum, subject to the provisions of § 11.23.

(d) For projects involving transmission lines only the administration charge shall be a minimum of $5 per annum.

(e) For projects not covered by the above paragraphs, reasonable annual charges will be fixed by the Commission after consideration of the facts in each case.

§ 11.24 *Exemption of State and municipal licensees.*—(a) *Bases for exemption.* A State or municipal licensee may claim total or partial exemption upon one or more of the following grounds:

(1) The project was primarily designed to provide or improve navigation;

(2) To the extent that power generated, transmitted, or distributed by the project was sold directly or indirectly to the public (ultimate consumer) without profit;

(3) To the extent that power generated, transmitted, or distributed by the project was used by the licensee for State or municipal purposes.

(b) *Projects primarily for navigation.* No State or municipal licensee shall be

entitled to exemption from the payment of annual charges on the ground that the project was primarily designed to provide or improve navigation unless the licensee establishes that fact from the actual conditions under which the project was constructed and was operated during the calendar year for which the charge is made.

(c) *State or municipal use.* A State or municipal licensee shall be entitled to exemption from the payment of annual charges for the project to the extent that power generated, transmitted, or distributed by the project is used by the licensee itself for State or municipal purposes, such as lighting streets, highways, parks, public buildings, etc., for operating licensee's water or sewerage system, or in performing other public functions of the licensee.

(d) *Sales to public.* No State or municipal licensee shall be entitled to exemption from the payment of annual charges on the ground that power generated, transmitted, or distributed by the project is sold to the public without profit, unless such licensee shall show:

(1) That it maintains an accounting system which segregates the operations of the licensed project and reflects with reasonable accuracy the revenues and expenses of the project;

(2) That an income statement, prepared in accordance with the Commission's Uniform System of Accounts, shows that the revenues from the sale of project power do not exceed the total amount of operating expenses, maintenance, depreciation, amortization, taxes, and interest on indebtedness, applicable to the project property. Periodic accruals or payments for redemption of the principal of bonds or other indebtedness may not be deducted in determining the net profit of the project.

(e) *Sales for resale.* Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph (d) of this section, it shall be subject to the payment of annual charges to the extent that electric power generated, transmitted, or distributed by the project is sold to another State, municipality, person, or corporation for resale, unless the licensee shall show that the power was sold to the ultimate consumer without profit. The matter of whether or not a profit was made is a question of fact to be established by the licensee.

(f) *Interchange of power.* Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph (d) of this section, it shall be subject to the payment of annual charges to the extent that power generated, transmitted, or distributed by by the project was supplied under an interchange agreement to a State, municipality, person, or corporation for sale at a profit (which power was not offset by an equivalent amount of power received under such interchange agreement) unless the licensee shall show that the power was sold to ultimate consumers without profit.

(g) *Construction period.* During the period when the licensed project is under construction and is not generating power, it will be considered as operating without profit within the meaning of this section, and licensee will be entitled to total exemption from the payment of annual charges, except as to those charges relating to the use of a Government dam or tribal lands within Indian reservations.

(h) *Optional showing.* When the power from the licensed project enters into the electric power system of the State or municipal licensee, making it impracticable to meet the requirements set forth in this section with respect to the operations of the project only, such licensee may, in lieu thereof, furnish the same information with respect to the operations of said electric power system as a whole.

(i) *Application for exemption.* Application for exemption from payment of annual charges shall be prepared on forms prescribed by the Commission and shall be signed by an authorized executive officer or chief accounting officer of the licensee and verified under oath. An original and three copies of such application shall be filed with the Commission within the time allowed (by § 11.27) for the payment of the annual charges; *Provided, however* That if the licensee shall within the time allowed for the payment of the annual charges file notice that it intends to file application for exemption, an additional period of 30 days is allowed within which to complete and file the application for exemption.

§ 11.27 *Payment of charges.* Annual charges shall be paid within 30 days of rendition of a bill therefor by the Commission except that licensees located outside the continental limits of the United States shall be allowed a period of 45 days after rendition of the bill.

§ 131.70 *Form of application by State and municipal licensees for exemption from payment of annual charges.* (See § 11.24 of this chapter.) Application by State and municipal licensees for exemption from payment of annual charges must be prepared on this form. The form specifies that in filing application for exemption, the following data and schedules shall be submitted:

1. Name and address of correspondent;
2. Basis for claimed exemption;
3. Generating plants owned or operated by licensee;
4. Transmission lines and distribution lines;
5. KWH of power generated, purchased and interchanged;
6. Power sold or otherwise disposed of (kwh);
7. Power interchange (in detail);
8. Statement of unusual conditions attending the disposition of electric power;
9. Book cost of electric property;
10. Operating revenues;
11. Operating expenses and other deductions from revenues;
12. Affidavit.

Copies of this form are filed with the FEDERAL REGISTER and may be obtained upon request from the Federal Power Commission, Washington 25, D. C.

The said §§ 11.20, 11.24 and 11.27 of Part 11, and § 131.70 of Part 131, as amended herein, are hereby promulgated and prescribed to become effective January 1, 1949.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Secs. 10 (e) 309, 49 Stat. 843, 858; 16 U. S. C. 803 (e) 825 (h))

Date of issuance: November 5, 1948.

By the Commission, Commissioner Draper dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9976; Filed, Nov. 12, 1948, 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEAFOOD INSPECTION

REPUBLICATION FOR CODIFICATION PURPOSES; MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 48-9842, appearing in the issue for Wednesday, November 10, 1948, at page 6623, change the first line in § 155.8 (b) to read, "The following processes shall be"

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 6—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PACKING OF LIGHTWEIGHT (PREMIUM) KNIVES

In § 6.13 *Poisons, explosives, liquids, medicines, motion picture films* (39 CFR 6.13, 39 CFR, 1946 Supp., 6.13), add a new paragraph (f) reading as follows:

(f) (1) Lightweight knives usually weighing between ½ and 4 ounces with blades not over 10 inches in length nor 1½ inches in width may be accepted for mailing if packed in the following manner:

(2) When blade is not over 3¼ inches in length and ¾ inch in width, a close fitting sheath of 0.018 chipboard or equivalent material longer than blade shall be used together with kraft envelope or equivalent testing not less than 60 points (Mullen or Cady Tester) and not more than ½ inch longer than the knife.

(3) When blade is over 3¼ inches in length but not over 6 inches and not over 1 inch in width, a close fitting sheath of 0.022 kraftboard or equivalent material longer than blade shall be used together with kraft envelope or equivalent testing not less than 60 points and not more than ½ inch longer than knife.

(4) When blade is over 6 inches in length but not over 10 inches and not over 1½ inches in width, a close fitting sheath of 0.028 kraftboard or equivalent material longer than blade shall be used together with kraft envelope or equivalent testing not less than 64 points and not more than ½ inch longer than knife.

(5) The sheaths previously mentioned must be of such a snug fit that they can be removed only with some effort. A sheath that slides off readily is not ap-

proved unless it is affixed to the knife blade by means of cement or glue or is securely taped to the knife handle. The envelopes must be securely sealed.

(6) Kitchen set with 2 knives with blades not over 6 inches in length securely fastened by good quality cellulose tape or equivalent to a die cut card or 0.036 chipboard or equivalent larger than the knives and enclosed in a close fitting fiber carton of 0.024 kraftboard or equivalent securely fastened.

(7) Carving set composed of knife and fork taped together with blade not over 9 inches in length with close fitting sheaths of 0.018 chipboard protecting both blade and tines and enclosed in a close fitting fiber carton of 0.034 kraftboard or equivalent securely fastened.

(8) More substantial packing is required for larger knives. They should be cushioned in a strong fiberboard, wooden or metal box with the blades properly encased so that they cannot cut through their covering.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 48-9923; Filed, Nov. 12, 1948; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter Q—Reclamation and Irrigation

[Order 2485]

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

RECLAMATION AND CULTIVATION

Section 230.60 is amended to read as follows:

§ 230.60 *What constitutes reclamation and cultivation.* To comply with the provisions of the reclamation law as to reclamation and cultivation, the land must be cleared of brush, trees, and other encumbrances, provided with sufficient laterals for its effective irrigation, graded and otherwise put in proper condition for irrigation and crop growth, planted, watered, and cultivated, and during at least 2 years next preceding the date of approval by the official in charge of the project of proof of reclamation, except as prevented by hailstorm or flooding, satisfactory crops must be grown on at least one-half of the irrigable area thereof. A satisfactory crop during any year shall be any one of the following: (a) A crop of annuals producing a yield of at least one-half of the average yield on similar land under similar conditions on the project for the year in which it is grown; (b) a substantial stand of alfalfa, clover, or of other perennial grass substantially equal in value to alfalfa or clover; or (c) a season's growth of orchard trees or vines of which 75 percent shall be in a thrifty condition. The crop production requirements of this section affecting lands embraced in reclamation homestead entries made after January 1, 1949, must be performed and met by the entryman personally, by members of his immediate family residing with him, or by persons employed under his direction supervision and management. The crop production requirements of this section shall be applicable to entryman's successors in interest. (Sec. 4 subsec. C, 43 Stat. 702; 43 U. S. C. 433)

Dated: October 25, 1948.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 48-9918; Filed, Nov. 12, 1948; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service; Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to to the public hunting of deer.

Section 29.573a is revised to read:

§ 29.573a *Lower Souris National Wildlife Refuge, North Dakota; hunting.* Deer, coyote, and fox may be taken with firearms and with bow and arrow during the State open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Lower Souris National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of occupied residences on the Lower Souris Refuge shall be open to hunting with firearms. All the lands of the United States south of the Upham-Willow City Road except the areas within one-half mile of occupied residences on the Refuge shall be open to bow and arrow hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i, Reorg. Plan No. II of 1939, 3 C. F. R. Cum. Supp. 4 F. R. 2731; Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended Apr. 14, 1945, 10 F. R. 4267)

Dated: November 8, 1948.

[SEAL] M. C. JAMES,
Acting Director.

[F. R. Doc. 48-9915; Filed, Nov. 12, 1948; 8:54 a. m.]

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN SAND LAKE NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the South Dakota Game, Fish, and Parks Department, it has been determined that there is a surplus of deer on and in the immediate vicinity of the Sand Lake National Wildlife Refuge, the removal of which can best be accomplished by public hunting.

Section 29.600a is amended to read:

§ 29.600a *Sand Lake National Wildlife Refuge, South Dakota; hunting.* Deer, coyote, and fox may be taken during the State open season prescribed by the South Dakota Game, Fish, and Parks Department for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Sand Lake National Wildlife Refuge, South Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of the occupied residences on the Sand Lake Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222, 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731, Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended Apr. 14, 1945, 10 F. R. 4267)

Dated: November 8, 1948.

[SEAL] M. C. JAMES,
Acting Director.

[F. R. Doc. 48-9916; Filed, Nov. 12, 1948; 8:53 a. m.]

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN SLADE NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to the public hunting of deer.

A new section is added as follows:

§ 29.846 *Slade National Wildlife Refuge, North Dakota; hunting.* Deer, coyote, and fox may be taken during the State open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Slade National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of the occupied residences on the Slade Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731, Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended Apr. 14, 1945, 10 F. R. 4267)

Dated: November 8, 1948.

[SEAL] M. C. JAMES,
Acting Director

[F. R. Doc. 48-9917; Filed, Nov. 12, 1948; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH STOCK YARDS, FORT WORTH, TEX.

PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) an order was issued on December 9, 1947 (6 A. D. 1130) authorizing the respondents to put into effect the current temporary rates and charges.

On October 28, 1948, respondents filed a telegraphic petition requesting that they be authorized to file new tariffs providing for increases in certain rates as indicated by a proposed joint tariff No. 7 previously received by the Hearing Clerk on October 22, 1948. The rates petitioned for are as follows:

ARTICLE II

CATTLE AND CALVES

	Per head
Bulls: 1 head or more	$1.50
Calves:	
Consignments of 1 head and 1 head only	.60
Consignments of more than 1 head:	
First 15 head in each consignment	45
Each head over 15 in each consignment	.35
Cattle:	
Consignments of 1 head and 1 head only	1.10
Consignments of more than 1 head:	
First 15 head in each consignment	.95
Each head over 15 in each consignment	.85
Hogs:	
Consignments of 1 head and 1 head only	.50
Consignments of more than 1 head:	
First 40 head in each consignment	.32
Each head over 40 in each consignment	.27
Sheep:	
Consignments of 1 head and 1 head only	40
Consignments of more than 1 head:	
First 10 head in each 300	.30
Next 50 head in each 300	.17
Next 60 head in each 300	.12
Next 130 head in each 300	.06
Next 50 head in each 300	.05

ARTICLE III

EXTRA SERVICE CHARGES

The following extra service charges are applicable:

On all account sales and/or account purchases where more than three (3) drafts are necessary or requested, a charge of 25¢ per draft in excess of three (3) shall be made: $0.25.

For each additional check, each additional account sale, each proceeds deposit, or bank credit over one (1) per owner: $0.05.

ARTICLE IV

(a) Breeding animals, other than those commonly known as stockers: 5% of each gross sale price, not to exceed $5.00 per head:

(b) At exhibitions: Food animals, stockers, feeders, other than sorts on open market per head:

Cattle and/or calves	$1.00
Swine: Hogs-pigs	.60
Sheep and/or goats	40

ARTICLE V

For clearing out of stockyards livestock not consigned to or sold by clearing agency to party for whom cleared, one-third the charge as if purchased.

For the resale of any livestock purchased on the market and remaining in the stockyards, rates provided in Article 11, will be assessed.

On livestock sold or purchased in the country to be weighed on the Fort Worth Stock Yards through market agency, the same commission charges will apply as though sold or purchased by the market agency on the Fort Worth Stock Yards.

AUTHORIZED COLLECTIONS

Brand inspection (as per tariffs on file)

FIRE INSURANCE

There will be collected on all livestock on the Fort Worth Market, the following charges to cover Fire Insurance, unless otherwise directed by shipper or owner:

Carload receipts by rail: $0.10.

On less than carloads received by rail, drive-in or truck-in rates apply:

Driven-In or Trucked-In

	Per head
Cattle	½¢
Calves and hogs	⅓¢
Sheep and goats	⅙¢

The charge on any trucked-in or driven-in shipment shall not exceed 10¢ up to:

30 head of cattle one ownership.

75 head of calves and hogs one ownership.

300 head of sheep or goats one ownership.

Minimum charge one consignment, one cent.

LIVESTOCK TRAFFIC ASSOCIATION

For the purpose of providing funds with which to carry on the work of the Livestock Traffic Association in matters dealing with the railroad and motor truck rates before the Railroad Commission of Texas and Interstate Commerce Commission, the subscribing market agency will collect and pay to the Livestock Traffic Association, the following amounts on all livestock sold at the Fort Worth market:

Cattle (per head)	1¢
Calves, hogs, sheep, goats (per head)	½¢
Maximum charge on any one consignment	$1.00
Minimum charge on any one consignment	.01

Provided, That if any shipper objects to the foregoing deductions the charge will be refunded.

NATIONAL LIVESTOCK & MEAT BOARD

For the purpose of providing funds with which to carry on the work of the National Livestock & Meat Board, the market agencies may collect and pay to the National Livestock & Meat Board the following amounts on livestock sold on the Fort Worth market. This deduction is not made at the direction of the Government, and the reasonableness of the amount of the deduction has not been determined by the Government.

	Per head
Cattle	1¢
Calves	⅓¢
Hogs	⅓¢
Sheep	⅓¢

Provided, That if any shipper objects to the foregoing deductions, the charges will be refunded.

The rates petitioned for, if authorized, will provide additional revenue for the respondents so that it appears that public notice of the filing of the petition should be given in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of the petition for increases in the temporary rates currently in effect.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 8th day of November 1948.

[SEAL] H. E. REED,
Director Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-9958; Filed, Nov. 12, 1948; 9:13 a. m.]

[7 CFR, Part 162]

ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, SO AS TO EXEMPT SODIUM FLUORIDE UNDER CERTAIN CONDITIONS FROM COLORATION PROVISIONS OF SAID ACT

NOTICE OF INTENTION TO AMEND REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) as follows:

Representation has been made to the United States Department of Agriculture that sodium fluoride colored as required by section 3 (a) (4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 1946 ed. Supp. I 135a (a) (4)) and § 162.12 (c) of the regulations issued under said act (7 CFR 1947 Supp. 162.12 (c)) when used as a fungicide in the manufacture or processing of rubber, glue, and leather goods, imparts undesirable color characteristics to the finished goods, and that coloration of sodium fluoride for such uses is impracticable, serves no useful purpose, and is not necessary for the protection of the public health.

The Secretary of Agriculture pursuant to section 3 (a) (4) of the Federal Insecticide, Fungicide, and Rodenticide Act is therefore considering exempting sodium fluoride from the coloration requirements of said section and § 162.12 (c) of the regulations issued under said act, under certain conditions when it is intended exclusively for such specified uses. It is proposed for this purpose to amend § 162.18 of said regulations (7 CFR 1947 Supp. 162.18) by designating as paragraph (a) of said section the provisions now appearing after the heading "Exemptions" in said section and by adding to said section the following as paragraph (b)

(b) The economic poison sodium fluoride shall be exempt from the coloration requirements of section 3 (a) (4) of the act and § 162.12 (c) when (1) it is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods; (2) coloration of said economic poison in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods; (3) said economic poison will not be present in such finished goods in sufficient quantities to cause injury to any person; and (4) said economic poison will not come into the hands of the public except after incorporation into such finished goods.

Any person who wishes to file written data, views, or arguments on the foregoing proposed amendment may do so by filing them with the Chief of the Insecticide Division, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of November 1948.

[SEAL] H. E. REED,
Director Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-9929; Filed, Nov. 12, 1948; 8:54 a. m.]

[7 CFR, Part 903]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held at St. Louis, Missouri, on July 7-9, 1948, all dates inclusive, pursuant to a notice issued on June 18, 1948 (13 F. R. 3299, 3485), upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on September 9, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 14, 1948 (13 F. R. 5337)

The material issue presented on the record of the hearing was whether the Class I price differential over the basic formula price should be revised immediately.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of Sanitary Milk Producers.

In arriving at the findings and conclusions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto such exceptions are overruled.

Findings and conclusions. The pricing provisions of the order, as amended, should be immediately revised to provide for an increase in the Class I price differential of $0.46 per hundredweight for the period from the effective date hereof to and including December 1948 and $0.23 per hundredweight for the period of January through March 1949.

Milk supplied by producers has been insufficient to meet the needs of the market. During all 12 months of each year since 1940, handlers have purchased milk, skim milk, or cream from sources outside the regular St. Louis supply area. While the consumption of fluid milk in the St. Louis market is somewhat less than a year ago, production of producer milk has declined more rapidly than consumption, thus necessitating greater imports than during corresponding periods of the previous year. During the first five months of 1948 St. Louis handlers imported 16,133,948 pounds of approved milk, skim milk, and cream from sources outside the regular St. Louis supply area; whereas, during the corresponding period in 1947 such imports amounted to only 8,612,179 pounds.

The number of producers supplying the St. Louis market has declined from year to year. The average number of producers was 4,115 in 1940; 3,571 in 1945; 3,411 in 1946; and 3,323 in 1947. During the first 6 months of 1948 the number of producers has varied each month from 39 to 89 fewer producers than for the corresponding month of 1947. In addition, the production per farm for each month since July 1947 has shown a decrease as compared with the same month of the previous year.

There are markets with less rigid health requirements purchasing milk from the same supply area as the St. Louis market and paying prices comparable to prices obtained in the St. Louis market. Many producers leaving the St. Louis market have shifted to these markets.

Handlers contended that the basic formula price used in the determination of the Class I price had risen substantially during the past year. While this was true at the time of the hearing it must be recognized that the differential must be maintained at such level that farmers in the supply area will be encouraged to deliver their milk to the St. Louis market rather than manufacturing outlets. The fact that the quantity of producer milk delivered to St. Louis handlers has been insufficient to meet minimum needs for graded milk, and the number of producers and receipts per farm are continuing to decline indicates that the differential has not been sufficiently high. Unless an adequate differential over the basic formula price is maintained the supply of producer milk in the St. Louis market will be further impaired.

In the recommended decision issued by the Assistant Administrator, it was concluded that the producer proposal to effect an immediate amendment to the order, as amended, to provide for an increase of $0.46 in the Class I price differential for the delivery periods of July through December and $0.23 for the delivery periods of January through March,, if during the 12 months immediately preceding the delivery period the total volume of milk delivered by all pro-

ducers was less than 130 percent of the total Class I sales by all handlers, should not be adopted at this time.

Producers in support of their proposal had stated that producer receipts of 130 percent of Class I sales were necessary to supply market requirements of fluid milk, fluid cream, skim milk, buttermilk, flavored milk, and flavored milk drinks.

The recommended decision indicated that any change in the Class I price differential should be adopted only in conjunction with a review of the related classification provisions of the order. It was, therefore, concluded that no action on the proposal for a revision in the Class I price differential would be appropriate at that time.

Producers object to this decision and contend that the denial of the proposed price was contrary to the facts presented on the record in that it did not give due recognition to the emergency now existing in the St. Louis marketing area.

The decision of the Assistant Administrator to the effect that a change in the Class I price differential in the St. Louis market should be adopted only in conjunction with a review of the related classification provisions of the order is herein concurred with. However, this does not preclude price action on a temporary basis. Notice was taken in the recommended decision of a hearing which has since been held in St. Louis on September 20–29, 1948. Prior to action on that record, it is concluded that conditions set out in the record of the emergency hearing justify an increase of $0.46 per hundredweight from the effective date hereof to and including the month of December 1948 and $0.23 per hundredweight for the months of January through March 1949.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Mo., Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Mo., Marketing Area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and in the attached order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 9th day of November 1948.

[SEAL] CHARLES F BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held on July 7-9, 1948, all dates inclusive, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. The recommended decision (13 F R. 5337) was made by the Assistant Administrator of the Production and Marketing Administration on September 9, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

Delete the period (.) at the end of § 903.4(a)(1) and add the following: "*Provided,* That from the effective date hereof to and including December 1948 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus $1.81 per hundredweight; and for the delivery periods of January through March 1949 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus $1.33 per hundredweight."

[F. R. Doc. 48-9959; Filed, Nov. 12, 1948; 9:02 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 973]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held at St. Paul, Minnesota, on May 10, 1948, and at Minneapolis, Minnesota, on May 11 and 12, 1948, after the issuance of notice on April 26, 1948 (13 F R. 2316)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 2, 1948, filed with the

Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 6, 1948 (13 F. R. 4545) Exceptions were filed on behalf of (1) Aerated Products Company of Minnesota, (2) Dutch Mill Dairy, (3) Minneapolis Milk Dealers Association, St. Paul Milk Company, Sanitary Farm Dairies, and Minnesota Milk Company, (4) Oak Grove Dairy, and (5) Twin City Milk Producers Association. These exceptions have been considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions pertaining thereto to such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 48-7097; 13 F. R. 4545) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following amendment:

Delete the finding and conclusion with respect to issue 3 and substitute therefor the following:

3. Revision of the classes of utilization should be made. Skim milk and butterfat disposed of for consumption in the form of buttermilk, eggnog, aerated cream, ready whipped cream and mixes for toppings and for other uses similar to those of whipped cream, should be included in Class I.

Skim milk and butterfat in cultured buttermilk remain classified in Class I. Natural buttermilk is in general used for the same purposes as cultured buttermilk. Its most common use is as a milk beverage. For this and other uses it is competitive with milk, skim milk and cultured buttermilk. The skim milk and butterfat in natural buttermilk should be included with that in milk, skim milk and cultured buttermilk in Class I.

Skim milk and butterfat in fluid cream are appropriately included in Class I.

One of the well known and long established uses for fluid cream of a relatively high butterfat content is in whipped cream. Fluid cream is also used in eggnog, aerated cream, ready whipped cream and in mixes for toppings and for other uses similar to those of whipped cream.

Drug stores, soda fountains, restaurants and similar establishments in supplying their need for cream toppings may purchase fluid cream and whip it or they may purchase one or more of these products already prepared.

A market has been developed for these products reaching the user in a form which eliminates the necessity for whipping manually. The record indicates the replacement of whipping cream to some extent by these products.

Exceptions alleged that the use of these products has in fact increased the sale and consumption of cream. Such an increase, if established, would not warrant a different classification for butterfat and skim milk contained in such products than for butterfat and skim milk in fluid cream used for similar purposes.

The classification of shrinkage of skim milk and butterfat should be revised.

Under the present order no shrinkage is allowed on the skim milk and butterfat in other source milk. Shrinkage not in excess of 1 percent of the total receipts of skim milk and butterfat, respectively, from producers is classified as Class II milk and shrinkage in excess of these respective amounts is classified as Class I milk.

Total shrinkage of skim milk and butterfat, respectively, should be prorated between receipts of skim milk and butterfat directly from producers' farms and from non pool plants. With respect to shrinkage allocated to skim milk and butterfat received directly from producers' farms, that not in excess of 1 percent of receipts should be prorated over the Class I and Class II use of skim milk and butterfat received directly from producers' farms and that in excess of 1 percent of receipts should continue to be classified as Class I milk. Skim milk and butterfat received from non pool plants are first eliminated from Class II milk. Thus shrinkage allocated to such skim milk and butterfat should be classified as Class II milk.

There are at times surpluses of skim milk too small for economical manufacture. To prevent waste such skim milk is at times used for animal feed and when so used should be classified as Class II milk.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby amended by the attached order, which will be published with this decision.

This decision filed at Washington, D. C., this 9th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] *Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area*

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at St. Paul, Minnesota, on May 10, 1948, and at Minneapolis, Minnesota, on May 11 and 12, 1948, upon a proposed amendment to the marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order, as hereby amended, will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

§ 973.1 *Definitions.* The following terms shall have the following meaning:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(d) "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

(e) "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (1) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (2) is transferred as Class I milk from such plant to a plant described in subparagraph (1) of this paragraph unless such transfer is made only during the months of August to November, inclusive, or (3) is transferred as Class I milk from such plant to a plant described in subparagraph (2) of this paragraph unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another pool plant until August 1 of the year following that in which such transfer was last made.

(f) "Non pool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in paragraph (e) of this section. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in paragraph (e) of this section.

(g) "Person" means any individual, partnership, corporation, association or any other business unit.

(h) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

(i) "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

(k) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(l) "Market administrator" means the person designated pursuant to § 973.2 as the agency for the administration hereof.

(m) "Delivery period" means a calendar month or the portion thereof during which this order is in effect.

§ 973.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof;

(3) Recommend to the Secretary amendments hereto;

(4) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited to, the following:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary, a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 973.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.10;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to § 973.3 or (ii) made payments pursuant to § 973.8; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(5) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends; and

(6) Prepare and disseminate to the public such statistics and information concerning the operations hereunder as he deems advisable and as do not reveal confidential information.

§ 973.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator;

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production) producer-handlers, pool plants and nonpool plants and the sources thereof;

(2) The utilization of all skim milk or butterfat disposed of;

(3) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period submit to the market administrator such handler's producer pay roll for the preceding delivery period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

(d) *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (1) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (2) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (3) payments to producers and cooperative associations, and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim

milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream) eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, all skim milk and butterfat not specifically accounted for pursuant to subparagraph (2) of this paragraph and all shrinkage allocated to Class I milk pursuant to paragraph (c) (3) and (4) of this section.

(2) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat: (i) Used to produce a milk product other than those specified in subparagraph (1) of this paragraph, (ii) in shrinkage of receipts from nonpool plants, and (iii) in shrinkage of receipts directly from producers' farms which has been allocated to Class II pursuant to paragraph (c) (3) of this section.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over each handler's receipts as follows:

(1) Compute separately the total shrinkage of skim milk and butterfat.

(2) Prorate the resulting amounts respectively, between the receipts of skim milk and butterfat directly from producers' farms and from nonpool plants.

(3) Prorate the shrinkage of skim milk and butterfat, respectively, allocated to skim milk and butterfat received directly from producers' farms, up to 1 percent of such receipts, over the handler's Class I and Class II utilization of skim milk and butterfat received directly from producers' farms.

(4) Add to the handler's Class I utilization of skim milk and butterfat, respectively, any shrinkage allocated to skim milk and butterfat received directly from producers' farms in excess of 1 percent of such receipts.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(2) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(1) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided,* That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(2) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(3) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (ii) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (iii) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(4) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a non pool plant located more than 100 miles from the marketing area.

(f) *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

(g) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage allocated to Class II pursuant to paragraph (c) (3) of this section.

(ii) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk received from non pool plants: *Provided,* That if the receipts from non pool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I.

(iii) Subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to paragraph (e) (1) of this section.

(iv) Add to the remaining pounds of skim milk in Class II the amount subtracted pursuant to subdivision (i) of this subparagraph.

(v) If the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II. *Provided,* That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

(3) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to subparagraphs (1) and (2) of this paragraph.

§ 973.5 *Minimum prices*—(a) *Class prices.* Each handler shall, subject to the provisions of paragraphs (c) and (d) of this section, pay at the time and in the manner set forth in § 973.8 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(1) *For Class I milk.* The price shall be the basic price determined pursuant to paragraph (b) of this section plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; and plus $1.00 during the delivery periods of August to November, inclusive.

(2) *For Class II milk.* The price shall be that determined by the market administrator as follows: (i) Multiply by 3.5 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received and add 20 percent thereof; (ii) multiply by 7.7 the average price of spray and roller process non fat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (iii) add into one sum the amounts obtained in subdivisions (i) and (ii) of this subparagraph; and (iv) subtract 42 cents therefrom.

(b) *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to paragraph (a) (2) of this section or that derived from either of the formulas set forth in subparagraphs (1) and (2) of this paragraph, whichever is the highest.

(1) The average of the basic or field prices ascertained to have been paid for

milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) (i) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6) (ii) add 2.4 times the weekly prevailing price of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange, the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this subparagraph; (iii) divide the resulting sum by seven (7) (iv) add 30 percent thereof; and (v) multiply the resulting sum by 3.5.

(c) *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to paragraph (a) (1) of this section shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such Viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this paragraph the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

(d) *Butterfat differentials to handlers.* (1) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to paragraph (a) (1) of this section for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(2) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to paragraph (a) (2) of this section for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 20 percent and divide the sum obtained by 10.

(e) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 973.6 *Application of provisions*—(a) *Application to producer-handlers.* Sections 973.4, 973.5, 973.7, 973.8, 973.9 and 973.10 shall not apply to the handling of milk by producer-handlers.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.1 (j) as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat other than in packaged form to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

(d) *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.7, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

§ 973.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided,* That if any skim milk has been subtracted pursuant to § 973.4 (g) (1) (v) or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

(b) *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(1) To the value computed pursuant to paragraph (a) of this section add an amount equal to the total value of the location differentials computed pursuant to § 973.8 (c)

(2) From the sum obtained in subparagraph (1) of this paragraph subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.8 (b) and multiply the result by the total hundredweight of milk received directly from producers' farms.

(3) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(4) Divide the result by the total hundredweight of milk received directly from producers' farms.

(5) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent

butterfat content delivered to the marketing area.

(c) *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.5 (a) and the butterfat differentials computed pursuant to § 973.5 (d) and § 973.8 (b)

(d) *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to paragraph (b) of this section.

§ 973.8 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.7 (b) subject to the differentials set forth in paragraphs (b) and (c) of this section.

(2) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph, and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(3) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.5 (a) subject to the differentials set forth in § 973.5 (c) and (d) and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(4) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

(b) *Butterfat differential to producers.* If during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in paragraph (a) (1) and (2) of this section shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

(c) *Location differential to producers.* In making payment pursuant to paragraph (a) (1) and (2) of this section for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such Viaduct.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (1) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (2) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.7 (a)

(e) *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (d) of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 973.9 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 973.8 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.11 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 973.12 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with

the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

[F. R. Doc. 48-9960; Filed, Nov. 12, 1948; 9:02 a. m.]

NOTICES

POST OFFICE DEPARTMENT

MERCHANDISE FOR YUKON TERRITORY RESTRICTED DURING WINTER SEASON

The Canadian Postal Administration advises that the transmission of merchandise to the Yukon Territory over the White Horse-Dawson route during the winter season (from October 1, 1948 to May 31, 1949) will, as in former years, be restricted to merchandise for post offices at Carcross, White Horse, and Champagne.

Postmasters will, therefore, decline to accept for mailing until June 1, 1949, merchandise to be transmitted over the White Horse-Dawson route to either United States or Canadian points, except as stated above.

It is added, however, that during the winter season there is a weekly air stage service in operation between White Horse and Dawson via Mayo Landing, White Horse and Port Selkirk via Carmacks, and between Dawson and Stewart River. Parcel post is conveyed over this air stage service to and from these post offices at the air parcel rate of 30 cents for the first pound plus 25 cents for each additional pound or fraction thereof, up to 15 pounds. Parcels originating in the United States addressed for delivery at Dawson, Mayo Landing, Port Selkirk, Carmacks, and Stewart River will be given air transmission to those points in the Yukon, provided postage is paid at the above-mentioned rate. Such parcels will be sent by ordinary means to White Horse for onward air connection.

In addition, Teslin is served semi-weekly the year round by motor vehicle service via the Alaska Highway. Parcels for delivery at Teslin are subject to a special rate of 25 cents per pound or fraction.

Parcel post addressed for delivery at Watson Lake, Yukon, will also be accepted for mailing when prepaid at the rate of 30 cents for the first pound and 25 cents for each additional pound or fraction thereof.

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 48-9921; Filed, Nov. 12, 1948; 8:53 a. m.]

MAILING OF AIR PARCEL POST TO OVERSEAS ARMY AND NAVY POST OFFICES DURING PERIOD, NOVEMBER 15 TO DECEMBER 31, 1948

Although the public has been informed that Christmas parcels for members of the armed forces overseas should be mailed prior to November 15, 1948, there are indications that many persons contemplate mailing such gifts at a later date via air parcel post with the idea of securing prompt delivery.

The Departments of the Army and Navy have advised that present air lift capacities to the various overseas areas are being taxed to the utmost and it will not be possible to augment such facilities at this time. Hence, any appreciable increase in mailings of air parcel post to service personnel overseas would result in such matter being transported via surface means with much later date of delivery than intended by the mailer.

Therefore, in order to prevent the mailing of quantities of air parcel post during the Christmas season which cannot be transported with existing air facilities, effective during the period November 15, 1948, to and including December 31, 1948, postal patrons tendering air parcel post matter (air parcels exceeding 8 ounces in weight) addressed to Army Post Offices in care of the postmasters at New York, New York, San Francisco, California, and New Orleans, Louisiana, as well as Navy Post Offices in care of the Fleet Post Offices at New York, New York, and San Francisco, California, shall be informed that no assurance can be given that overseas air transportation can be provided by the armed services, and that if surface transportation must be employed delivery will be delayed accordingly. During the period stated air parcel post addressed as indicated shall be accepted only upon the understanding by the mailer that such matter will be transported overseas by surface means unless air facilities are available at the time.

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 48-9922; Filed, Nov. 12, 1948; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

JULY 14, 1948.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410) I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388)

CENTRAL VALLEY PROJECT

WHISKEY TOWN RESERVOIR SITE

Mount Diablo Meridian

T. 32 N., R. 6 W.,
sec. 8, NW¼NE¼, W½, W½SE¼, SE¼SE¼;
sec. 9, NE¼, E½NW¼, N½SW¼, E½SE¼,
sec. 15, SW¼SW¼, S½SE¼SW¼,
sec. 18, E½,
sec. 20, E½E½, W½NW¼, NW¼SW¼,
sec. 21, NW¼NW¼,
sec. 22, all;
sec. 27, S½NW¼NE¼, SW¼NE¼, SW¼SW¼NW¼, NE¼SE¼NW¼, S½SE¼NW¼, W½NW¼SW¼, NE¼SW¼SW¼, E½SW¼,
sec. 28, E½, N½NW¼.
T. 32 N., R. 7 W.,
sec. 1, S½SE¼SE¼,
sec. 12, N½NE¼.

The above areas aggregate 2,930 acres.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order, withdrawing certain public lands in the State of California for use in connection with the Central Valley Project, California, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL] G. E. TOMLINSON,
Acting Commissioner

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

MARION CLAWSON,
Director.

AUGUST 10, 1948.

[F. R. Doc. 48-9961; Filed, Nov. 12, 1948; 9:13 a. m.]

Fish and Wildlife Service

WISCONSIN

EMERGENCY EXTENSION OF WATERFOWL AND COOT SEASON

Pursuant to authority conferred by § 1.4 of the regulations under the Migratory Bird Treaty Act (50 CFR 1.4), I have determined that by emergency action of the proper State authority in Wisconsin due to forest fire hazards, hunting was prohibited in an extensive area of that State for five and one-half days, which prohibition has resulted in a shortening of the season for hunting wild ducks, geese, and coot in said area. I have determined further that a compensatory extension of the said season for five days will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season.

Accordingly, subject to all other provisions of the existing Migratory Bird Treaty Act regulations, the season for hunting wild ducks, geese, and coot is extended from November 14 to November 18, 1948, both dates inclusive, in that portion of the State of Wisconsin described as follows:

All lands and waters within the boundaries of Wisconsin forest protection districts as heretofore established by the State Conservation Commission and, in addition, all lands and waters within the boundaries of Lincoln and Marathon counties.

Dated: November 10, 1948.

(Proc. 2822, Nov. 5, 1948, 13 F. R. 6549.)

CLARENCE COTTAM,
Acting Director

[F. R. Doc. 48-9977; Filed, Nov. 12, 1948; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

NOTICE OF DATES

NOVEMBER 8, 1948.

The Commission announced that the following dates will constitute the composite week of 1948 for the preparation of program log analyses in connection with renewal applications of all AM and FM broadcast stations whose licenses expire in 1949:

Monday, January 26.
Tuesday, March 30.
Wednesday, April 14.
Thursday, June 17.
Friday, August 27.
Saturday, September 25.
Sunday, November 7.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9933; Filed, Nov. 12, 1948; 9:02 a. m.]

WRQN

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on July 1, 1948 there was filed with it an application (BAL-791) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WRQN from M. F. Brice, W. O. Davis, R. E. Ledford and R. W. Sockwell, d/b as Vidalia Broadcasting Company, to M. F. Brice and R. E. Ledford, d/b as Vidalia Broadcasting Company. The proposal to assign the license arises out of contracts of June 21, 1948 pursuant to which the one-quarter partnership interest of W O. Davis will be transferred to M. F. Brice for $5,871 in cash and the one-quarter partnership interest of R. W. Sockwell will be transferred to R. E. Ledford upon the same terms. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 8, 1948 that starting on October 7, 1948 notice of the filing of the application would be inserted in the Vidalia Advance a newspaper at Vidalia, Georgia in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 7, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9934; Filed, Nov. 12, 1948; 9:01 a. m.]

KORN

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on October 29, 1948 there was filed with it an application (BAL-790) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station KORN, Fremont, Nebraska, from Inland Broadcasting Company to Walker Newspapers, Inc. The proposal to assign the license arises out of a contract of September 30, 1948 pursuant to which Inland Broadcasting Company will assign to Walker Newspapers, Inc. the license for station KORN and certain contracts and equipment in connection with the station for a total consideration of $22,000, of which $2,500 has been paid, $7,500 is due on the closing date, and the balance due 120 days thereafter. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commissioner in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 29, 1948 that starting on October 29, 1948 notice of the filing of the application would be inserted in the Fremont Guide and Tribune a newspaper of general circulation at Fremont, Nebraska in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 29, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9935; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket No. 8626]

NORTHWEST PUBLIC SERVICES

ORDER CONTINUING HEARING

In re application of Roscoe Arthur Day, Jr., Henry H. Alderman and Frederick C. Arpke, d/b as Northwest Public Services, Kelso, Washington, Docket No. 8686, File No. BP-6026; for construction permit.

Whereas, the above-entitled application is presently scheduled to be heard on November 8, 1948, at Kelso, Washington; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 29th day of October, 1948, that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, November 10, 1948, at Kelso, Washington.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9936; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 7950, 7951, 8114]

EAST TEXAS BROADCASTING CO. (KGKB) AND MIDWEST BROADCASTING CO., INC. (KGGF)

ORDER CONTINUING HEARING

In re applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

Texas Broadcasting Company (KGKB) Tyler, Texas, Docket No. 7950, File No. BP-4769; Radio Enterprises, Inc. (KELD) El Dorado, Arkansas, Docket No. 8114, File No. BP-5644; for construction permits. The Midwest Broadcasting Company, Inc. (KGGF) Coffeyville, Kansas, Docket No. 7951, File No. BMP-2021; for modification of construction permit.

The Commission having under consideration a petition filed October 26, 1948, by East Texas Broadcasting Company, Tyler, Texas, requesting a continuance in the further hearing presently scheduled for November 8, 1948, at Washington, D. C., upon its above-entitled application for construction permit;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby granted; and that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, November 29, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9937; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket No. 8642]

DIAMOND H. RANCH BROADCASTERS

ORDER CONTINUING HEARING

In re application of Charles E. Halstead, tr/as Diamond H. Ranch Broadcasters, Auburn, California, Docket No. 8642, File No. BP-6171, for construction permit.

The Commission having under consideration a petition filed October 25, 1948, by Diamond H. Ranch Broadcasters, Auburn, California, requesting an indefinite continuance in the hearing presently scheduled for November 10, 1948, at Auburn, California, upon its above-entitled application for construction permit;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued, indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9938; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 8983, 8984]

KWHN BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of KWHN Broadcasting Company, Inc., (KWHN and KWHN-FM) Fort Smith, Arkansas, Docket No. 8983, File No. BL-2816; BZ-2661, Docket No. 8984, File No. BMPH-1782; for AM broadcast license and for extension of completion date of FM station.

The Commission having under consideration a petition filed October 26, 1948, by KWHN Broadcasting Company, Fort Smith, Arkansas, requesting a continuance in the hearing presently scheduled for November 18, 1948, upon the above-entitled applications; and

It appearing, that petitioner has stated that it will file a petition for reconsideration and grant without hearing prior to November 15, 1948;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, January 17, 1949, at Fort Smith, Arkansas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9939; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 6916, 6917]

SCRIPPS-HOWARD RADIO, INC. AND CLEVELAND BROADCASTING, INC.

ORDER CONTINUING HEARING

In re applications of Scripps-Howard Radio, Inc., Cleveland, Ohio, Docket No. 6916, File No. BP-4118; Cleveland Broadcasting, Incorporated, Cleveland, Ohio, Docket No. 6917, File No. BP-4058; for construction permits.

The Commission having under consideration a petition filed October 27, 1948, by Scripps-Howard Radio, Inc., Cleveland, Ohio, requesting a continuance in the oral argument presently scheduled for November 5, 1948, in the proceeding upon the above-entitled applications for construction permits;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby, granted; and that the oral argument in the above-entitled proceeding be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9940; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket No. 8826]

MACKAY RADIO AND TELEGRAPH CO., INC. AND RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., and RCA Communications, Inc., Docket No. 8826; applications for modifications of licenses to authorize communication with Pakistan.

The Commission, having under consideration a motion filed on October 28, 1948, by Mackay Radio and Telegraph Company, Inc., requesting a postponement for a period of approximately 60 days of the hearing herein, now scheduled to begin November 8, 1948;

It appearing, that RCA Communications, Inc., the other applicant herein, has no objection to the requested postponement;

It is ordered, This 1st day of November, 1948, that the hearing herein now scheduled to commence on November 8, 1948, is postponed to January 10, 1949, at the same time and place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9941; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 8638, 8842, 9174]

WINCHESTER BROADCASTING CORP. ET AL.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUE

In re applications of Winchester Broadcasting Corporation, Winchester, Virginia, Docket No. 8638, File No. BP-6187; Richard Field Lewis, Jr. (WINC), Winchester, Virginia, Docket No. 8842, File No. BP-6242; for construction permits; and Richard Field Lewis, Jr., Winchester, Virginia, Docket No. 9174, File No. BRH-54; for renewal of license of Radio Station WINC-FM.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of October, 1948;

The Commission having under consideration the above-entitled application for renewal of license of Radio Station WINC-FM, Winchester, Virginia; and

It appearing, that the Commission on February 20, 1948, designated for hearing the application of Winchester Broadcasting Corporation (File No. BP-6187), requesting construction permit for a new standard broadcast station to operate on 1270 kc, 1 kw, daytime only, at Winchester, Virginia, said designation being predicated in part on charges made against Winchester Broadcasting Corporation by Richard Field Lewis, Jr., and

It further appearing, that on March 18, 1948, the Commission designated for hearing the application of Richard Field Lewis, Jr. (File No. BP-6242) for construction permit to change frequency and power of Station WINC, Winchester, Virginia, from 1400 kc, 250 w, unlimited time, to 950 kc, 500 w, 1 kw-LS, using a directional antenna at night, unlimited time, to be heard in a consolidated proceeding with the aforesaid application of Winchester Broadcasting Corporation, said designation being predicated in part on countercharges made against the said Lewis by the Winchester Broadcasting Corporation, which is scheduled to be heard on April 18, 1949, at Washington, D. C.,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Richard Field Lewis, Jr., for renewal of license of Radio Station WINC-FM, be and it is hereby, designated for hearing in a consolidated proceeding, with the said application of Winchester

Broadcasting Corporation for construction permit, and the said application of Richard Field Lewis, Jr., for construction permit, upon the following issue:

(1) To determine the qualifications of the applicant, Richard Field Lewis, Jr., to continue the operation of Station WINC–FM, particularly with reference to the truth or falsity of the above charges made against Winchester Broadcasting Corporation by the said Lewis and of the counter-charges against Lewis by the said Winchester Broadcasting Corporation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9942; Filed, Nov. 12, 1948; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1998]

HAROLD A. ARENTSEN

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 5, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) that Harold A. Arentsen, of Seattle, Washington, has filed application for license for water-power Project No. 1998 (an enlargement of constructed Project No. 377) located on Big Port Walter Falls Creek, a tributary of Big Port Walter, on Baranof Island in the First Judicial Division, Alaska, and consisting of a timber dam about 25 feet long and 5 feet high, a wood flume 110 feet long, wood-stave pipe lines with aggregate length of 2,060 feet, a powerhouse containing a 100-horsepower water wheel and a 50-kilowatt generator, 14 water wheels with total capacity of 298 horsepower (one of which is connected to a 19-kilowatt generator) in various parts of the applicant's fish-reduction plant; and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before December 17, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9920; Filed, Nov. 12, 1948; 8:53 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 8, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) that the Niagara Falls Power Company of Niagara Falls, New York, has made application for modification of Amendments Nos. 4, 5, and 6 and Instrument No. 19 of the license for Project No. 16 with respect to the emergency diversion of 12,500 cubic feet per second from the Niagara River for power purposes, to provide for (1) discontinuance of all requirements for separate accounting with respect to revenues and expenses attributable to the sale of power developed from diversion and use of the additional 12,500 c. f. s., (2) discontinuance of further accruals to the emergency diversion reserve; and (3) discontinuance of hourly readings and monthly reporting of such power development.

Any protest against the approval of this application or request for hearing thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before December 16, 1948 to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9930; Filed, Nov. 12, 1948; 8:54 a. m.]

[Docket No. G–1150]

TEXAS EASTERN TRANSMISSION CORP.

ORDER SUSPENDING RATE SCHEDULE

NOVEMBER 5, 1948.

It appearing to the Commission that:

(a) Texas Eastern Transmission Corporation (Texas Eastern) submitted for filing on October 19, 1948, a proposed supplement designated as Supplement No. 2 to its Rate Schedule FPC No. 5, providing for a change in service by increasing the daily contract quantity of natural gas deliverable to the East Ohio Gas Company, New York State Natural Gas Corporation and the Peoples Natural Gas Company (Consolidated companies) from 125,000 M c. f. per day to 200,000 M c. f. per day, with such increased deliveries to be accomplished as rapidly as Texas Eastern can install the necessary facilities to transport such additional quantities.

(b) The proposed supplement referred to in paragraph (a) hereof consists of an agreement dated February 13, 1948, between Texas Eastern and Consolidated companies which purports to effectuate the exercise by Consolidated companies of the options contained in the agreement dated March 26, 1947, between the same parties.

(c) On October 11, 1947, the Commission issued its Opinion No. 157 and order at Docket No. G–880, authorizing the construction and operation by Texas Eastern of certain natural-gas facilities and authorizing the sale and delivery by Texas Eastern of all of the natural gas to be made available therefrom.

(d) On February 15, 1948, Texas Eastern at Docket No. G–1003 filed an application[1] for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas facilities additional to those authorized at Docket No. G–880, in which application and the amendment and supplement thereto reference is made to the agreement of February 13, 1948, between Texas Eastern and Consolidated companies and request is made for authorization to sell and deliver to Consolidated companies all of the natural gas to be made available through construction and operation of the proposed additional facilities.

(e) The Commission, by a telegram dated May 28, 1948, granted to Texas Eastern temporary authorization to construct and operate the facilities described in its application of February 15, 1948, as amended on May 7, 1948, and supplemented on May 25, 1948, to increase its pipe-line capacity from 433 million cubic feet per day to 503 million cubic feet per day, provided that the issuance of such temporary authorization is without prejudice to any action that the Commission may take after full hearing upon the application in Docket No. G–1003.

(f) Pursuant to order of the Commission and after notice first having been given, hearings in Docket No. G–1003 and matters consolidated therewith for hearing, commenced on July 12, 1948, and concluded on August 6, 1948. On October 29, 1948, the Presiding Examiner entered his initial decision in Docket No. G–1003 and related dockets, and the matters in issue therein are now pending before the Commission.

(g) One of the principal issues to be determined at Docket No. G–1003 and dockets consolidated therewith for hearing, is the disposition to be made of the natural gas to be made available through the construction and operation of the facilities described in the application of Texas Eastern therein.

(h) On November 2, 1948, Texas Eastern filed with the Commission an application for temporary authorization to sell and deliver natural gas to Consolidated companies, stating that prior to final decision upon its application at Docket No. G–1003, Texas Eastern will have completed construction of at least a part of the facilities described in said application, and requesting authorization to sell and deliver such additional quantities of natural gas entirely to Consolidated companies under Texas Eastern's Rate Schedule FPC No. 5 and the supplement thereto described in paragraph (a) hereof.

(i) Texas Eastern has been and now is a natural-gas company subject to the jurisdiction of the Commission under the Natural Gas Act, engaged in the transportation of natural gas in interstate commerce and in the sale in interstate commerce of natural gas so transported to various purchasers for resale for ultimate public consumption for domestic, commercial, industrial and other uses.

(j) The rates, charges, classifications, services, rules, regulations, practices and contract requirements to be made, demanded, collected and imposed, as set forth in the aforesaid Supplement No. 2, may be unjust, unreasonable, unduly discriminatory and prejudicial.

(k) The sale and delivery of natural gas by Texas Eastern pursuant to the terms and provisions of the aforesaid Supplement No. 2 is one of the principal issues now pending before the Commis-

[1] Amended May 7, 1948; supplemented May 25, 1948.

sion for determination at Docket No. G-1003.

The Commission finds that: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rates, charges, classifications and services, as set forth in the aforesaid Supplement No. 2, referred to in paragraph (a) hereof, and that said Supplement should be suspended as hereinafter provided and use deferred pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held at a date and place hereafter to be fixed by the Commission concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in the aforesaid designated Supplement No. 2, referred to in paragraph (a) hereof and tendered for filing by Texas Eastern Transmission Corporation.

(B) Pending such hearing and decision thereon, Supplement No. 2, referred to in paragraph (a) hereof, and submitted by Texas Eastern Transmission Corporation, be and it hereby is suspended and use deferred of such rates, charges, classifications and services until such time as said supplement may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: November 8, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9930; Filed, Nov. 12, 1948; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1940]

CENTRAL NEW YORK POWER CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of November 1948.

Central New York Power Corporation ("Central New York") a subsidiary of Niagara Hudson Power Corporation, a registered holding company, which in turn is a subsidiary of the United Corporation, also a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following proposed transaction:

Central New York proposes to issue its promissory notes prior to December 31, 1948 in the principal amount of not to exceed $5,000,000, pursuant to the provisions of an amendment dated August 17, 1948, to a loan agreement dated December 19, 1947, between Central New York and certain banks. The proposed promissory notes are to bear interest at the rate of 2½% per annum and are to be due December 31, 1950, subject to the right of Central New York to prepay at any time any part or all of such indebtedness. Pursuant to the provisions of the original loan agreement dated December 19, 1947, Central New York issued its notes in an aggregate principal amount of $10,000,000, bearing interest at the rate of 2¼% per annum.

The $5,000,000 of proceeds to be derived by Central New York from the proposed issuance and sale of the notes are to be used to apply to the cost of construction, extension and improvement of its plant, property and facilities. An amendment to the application states that the issue and sale of the $5,000,000 principal amount of promissory notes was approved by the Public Service Commission of the State of New York by order dated October 27, 1948.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective as soon as possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9926; Filed, Nov. 12, 1948; 8:52 a. m.]

[File No. 70-1975]

PACIFIC POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of November A. D. 1948.

Pacific Power & Light Company ("Pacific") an electric utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions:

Pacific proposes to borrow $3,500,000 from Mellon National Bank & Trust Company of Pittsburgh, Pennsylvania and to use the proceeds to finance the construction of new facilities and for the expansion and improvement of its present facilities. It is stated in the declaration that the loans, which mature on August 15, 1949, will be repaid from cash to be derived from permanent financing.

Under the proposed loan agreement Pacific would borrow $1,000,000 on November 15, 1948, $1,500,000 on January 15, 1949, and $1,000,000 on April 15, 1949. The loans would be evidenced by Pacific's unsecured promissory notes bearing interest at the rate of 2⅜% per annum. The loan agreement provides for prepayment in amounts of $500,000 or a multiple thereof without premium or penalty. Provision is made for the payment of a commitment fee computed at the rate of ⅜ of 1% per annum on the unused amount of the commitment from the date when the loan agreement is permitted to become effective until the loans are made. The loan agreement further provides that the company may at any time surrender its right to borrow all or any part of the amounts to be loaned, the amount represented by such surrender to be $500,000 or any multiple thereof.

Said declaration having been filed on October 18, 1948 and notice thereof having been given in the manner and form prescribed by Rule U-23 promulgated under the Public Utility Holding Company Act of 1935, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said declaration; and

Pacific having requested that the Commission's order with respect to said declaration issue at the earliest date possible and become effective upon issuance; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest that said declaration be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9928; Filed, Nov. 12, 1948; 8:51 a. m.]

[File No. 70-1991]

UPPER PENINSULA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of November A. D. 1948.

Notice is hereby given that Upper Peninsula Power Company ("Upper Peninsula") a subsidiary of both Consolidated Electric and Gas Company and the Middle West Corporation, both registered

holding companies, has filed an application with this Commission, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") for exemption from the provisions of sections 6 (a) and 7 thereof in respect of the issue and sale of securities.

Notice is further given that any interested person may, not later than November 29, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 29, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Upper Peninsula proposes to issue and sell to the Travelers Insurance Company at face amount, $400,000 principal amount of its First Mortgage Bonds, 4% Series due 1978, dated December 1, 1948. Such bonds will be issued under and secured by the Indenture of Mortgage dated May 1, 1947 of Upper Peninsula to the City National Bank and Trust Company of Chicago as amended by a Supplemental Indenture to be dated December 1, 1948.

The net proceeds of such sale will be used by Upper Peninsula to retire its presently outstanding $200,000 2½% bank note and any additional notes which may be issued prior to the sale of such bonds, for property additions and betterments, and to provide working capital.

Upper Peninsula states that the issue and sale of such bonds will be expressly authorized by the Michigan Public Service Commission, the state commission of the state in which Upper Peninsula is organized and doing business. Upper Peninsula further states that such issue and sale is exempt from the provisions of Rule U-50 by virtue of the provisions of paragraph (a) (4) thereof and that the proposed retirement of its note is permitted by Rule U-42 (b) (2)

Upper Peninsula estimates total expenses in connection with such issue and sale at $7,500 which includes legal expenses of approximately $6,000 and a finders fee of $500.

Applicant requests that the Commission's order granting said application be issued as expeditiously as possible and become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9327; Filed, Nov. 12, 1948; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12123]

JULIANE LEVERMANN

In re: Estate of Juliane Levermann, deceased. File No. D-28-12190; E. T. sec. 16494.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Ostermann, Anna Lissbuettel, Martha Geisler and Minna Fickbohm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Juliane Levermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Phil C. Katz, as Administrator C. T. A., acting under the judicial supervision of the Superior Court of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9343; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12130]

ANNA B. LINDEMANN AND HAWAIIAN TRUST CO., LTD.

In re: Trust under agreement dated September 10, 1931, by and between Anna B. Lindemann, as settlor and the Hawaiian Trust Company, Ltd. File No. F-28-14917 G-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Mahnz, Lina Mahnz and Margarethe Mahnz, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany)

2. That the descendants of George Mahnz and Lina Mahnz, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That Gottingen University, whose last known address is Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof and each of them in and to and arising out of or under that certain Trust Agreement dated September 10, 1931, by and between Anna B. Lindemann, as settlor and the Hawaiian Trust Company, Ltd., Honolulu, Territory of Hawaii, as Trustee, presently being administered by said Hawaiian Trust Company Ltd.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, the descendants of George Mahnz and Lina Mahnz, names unknown, and Gottingen University are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9944; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12241]

CHARLES WILLIAM MILLER AND KARL W. MULLER

In re: Estate of Charles William Miller, also known as Karl W Mueller and Karl W Muller, deceased. File No. D-28-11659, E. T. sec. 15864.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Muller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Charles William Miller, also known as Karl W Mueller and Karl W Muller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator of the County of New York, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9945; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12244]

HELMUTH SCHUMACHER

In re: Estate of Helmuth Schumacher, deceased. File No. D-28-11550; E. T. sec. 15769.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Behrend, Martha Repenning, Paul Repenning, Martin Repenning, Hans Repenning, Heinrick Repenning, Friedrick Repenning, Max Wiese, Meno Wiese, Carl Wiese, and Mary Moller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the issue, names unknown, of Augusta Behrend, the issue, names unknown, of Martha Repenning, the issue, names unknown, of Paul Repenning, the issue, names unknown, of Martin Repenning, the issue, names unknown, of Hans Repenning, the issue, names unknown, of Heinrick Repenning, the issue, names unknown, of Friedrick Repenning, the issue, names unknown, of Max Wiese, the issue, names unknown, of Meno Wiese, the issue, names unknown, of Carl Wiese, and the issue, names unknown, of Mary Moller, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Helmuth Schumacher, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by The Howard Savings Institution, as Executor, acting under the judicial supervision of the Orphans' Court, Essex County, Newark, New Jersey

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the issue, names unknown, of Augusta Behrend, the issue, names unknown, of Martha Repenning, the issue, names unknown, of Paul Repenning, the issue, names unknown, of Martin Repenning, the issue, names unknown, of Hans Repenning, the issue, names unknown, of Heinrick Repenning, the issue, names unknown, of Friedrick Repenning, the issue, names unknown, of Max Wiese, the issue, names unknown, of Meno Wiese, the issue, names unknown, of Carl Wiese, and the issue, names unknown, of Mary Moller, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9946; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12245]

ELISE TIMME

In re: Estate of Elise Timme, deceased. File No. D-28-10549-G-1; Docket No. 2370.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Laura Kretzihmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany),

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Laura Kretzihmer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Elise Timme, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany)

4. That such property is in the process of administration by Morris Blau, as Surviving Executor, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown of Laura Kretzihmer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-9947; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12246]

HENRY TROENDLE

In re: Estate of Henry Troendle, deceased. File No. D-28-12416; E. T. sec. 16633.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherina Troendle, also known as Katherine Trandle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Henry Troendle, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervisor of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-9948; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12276]

META BURHOOP

In re: Estate of Meta Burhoop, deceased. File No. D-28-10005; E. T. sec. 14200.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz H. Sieler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Meta Burhoop, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Fred Zott, Sr., 539 Hackensack St., Carlstadt, New Jersey, as Executor, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey.

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9951; Filed, Nov. 12, 1948; 8:50 a. m.]

[Vesting Order 12271]

ARTHUR VON HOLWEDE

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased. D-28-1470-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That the property described as follows: One hundred eighteen (118) shares of no par value common capital stock of Steinway and Sons, 109 West 57th Street, New York 19, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered A668 for one hundred (100) shares and A699 for eighteen (18) shares, registered in the name of Estate of Arthur von Holwede, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-9950; Filed, Nov. 12, 1948; 8:50 a. m.]

[Vesting Order 12279]

ELISE BIGALKE

In re: Interests under gas and oil leases, and bank accounts owned by Elise Bigalke, also known as Elsie Bigalke. F-28-13436-B-1, F-28-13436-C-1, F-28-13436-E-1, F-28-13436-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Bigalke, also known as Elsie Bigalke, whose last known address is Volgtsdorferstrasse 5/11, Bad Warmbrunn, Schlesien, Germany, is a resident

of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: a. All rights and interests in and to an undivided 2/1600ths of 52/125ths of one-eighth of the net profits under a certain contract entered into by and between William McKinley Harris, et al., and Phillips Petroleum Company, said contract dated April 26, 1930 and recorded in the office of the County Clerk of Oklahoma County, Oklahoma, said rights and interests evidenced by an assignment from Robert L. Presser to Elise Bigalke, dated January 24, 1935 and recorded in the office of the aforesaid County Clerk in Book 310, Miscellaneous Record, at Page 217, including, but not limited to, the right to receive all payments due and to become due thereunder,

b. All rights and interests in and to an undivided 5/19008ths working interest in certain oil and gas leases, and all rights thereunder or incident thereto, said rights and interests evidenced by, and said oil and gas leases described in, an assignment from Robert L. Presser to Elise Bigalke, dated November 13, 1934 and recorded in the office of the County Clerk of Oklahoma County, Oklahoma, in Book 305, Miscellaneous Record, at Page 236, including, but not limited to, the right to receive all payments due and to become due thereunder,

c. That certain debt or other obligation owing to Elise Bigalke, also known as Elsie Bigalke, by the Phillips Petroleum Company, Bartlesville, Oklahoma, in the amount of $197.39, as of March 31, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Elise Bigalke, also known as Elsie Bigalke, by the Central Savings Bank, 2100 Broadway, New York, New York, arising out of a savings account, account number 930,672, entitled Elise Bigalke, maintained at the branch office of the aforesaid bank located at 4th Avenue at 14th Street, New York, New York, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Elise Bigalke, also known as Elsie Bigalke, by the Chemical Bank & Trust Company, 165 Broadway, New York, New York, entitled Elise Bigalke, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–a and 2–b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–c, 2–d and 2–e hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9952; Filed, Nov. 12, 1948; 8:50 a. m.]

[Vesting Order 11633, Amdt.]

NAOICHI ISHIDA ET AL.

In re: Mortgage participation notes owned by Naoichi Ishida and others.

Vesting Order 11633, dated July 14, 1948, is hereby amended as follows and not otherwise:

By deleting the name Nishiyama appearing in subparagraph 3 thereof and substituting therefor the name Nishijima.

All other provisions of said Vesting Order 11633 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9953; Filed, Nov. 12, 1948; 8:50 a. m.]

[Vesting Order 11886, Amdt.]

LINA STULGIES AND TOKUZO SHIOSAKA.

In re: Stock owned by Lina Stulgies and Tokuzo Shiosaka.

Vesting Order 11886, dated August 20, 1948, is hereby amended as follows and not otherwise:

A. By deleting from the title and from subparagraph 2 thereof the name Tokuzo Shiozaka and substituting therefor the name Tokuzo Shiosaka;

B. By deleting subparagraph 3 thereof and substituting therefor the following:

3. That the property described as follows: Twenty-four (24) shares of $5. par value common capital stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FO41516 for twelve (12) shares, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, and certificates numbered 35122 for ten (10) shares and 101035 for two (2) shares, all registered in the name of Miss Lina Stulgies, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lina Stulgies, the aforesaid national of a designated enemy country (Germany),

C. By deleting subparagraph 4 thereof and substituting therefor the following:

4. That the property described as follows: Eighty (80) shares of $5. par value common capital stock of Warner Bros Pictures, Inc., 321 West 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FO41513 for forty (40) shares, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, and certificate number BCO46711, both registered in the name of Tokuzo Shiosaka, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tokuzo Shiosaka, the aforesaid national of a designated enemy country (Japan)

All other provisions of said Vesting Order 11886 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9954; Filed, Nov. 12, 1948; 8:50 a. m.]